

AMENDED IN SENATE APRIL 24, 2013

**SENATE BILL**

**No. 307**

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**Introduced by Senator Price**

February 15, 2013

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An act to amend Sections ~~4800 and 4800~~, 4804.5, 4809.5, 4809.7, 4809.8, and 4836.1 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 307, as amended, Price. Healing arts: Veterinary Medical Board.

~~Existing~~

(1) *Existing* law, the Veterinary Medicine Practice Act, provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board. Under existing law, the board consists of ~~7 members~~, *8 members*: ~~3 of whom are public members and members,~~ *4 of whom are licensed veterinarians, and one registered veterinary technician*. Existing law repeals the provisions establishing the board, and authorizing the board to appoint an executive officer ~~as~~ *as*, of January 1, 2014.

Under existing law, the board is subject to evaluation by the Joint Sunset Review Committee prior to its repeal.

This bill would provide that those provisions are instead repealed as of January 1, ~~2018~~: *2016*. This bill would ~~instead~~, *upon repeal*, require that the board be subject to review by the appropriate policy committees of the Legislature.

(2) *Existing law permits the board, at any time, to inspect the premises in which veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced.*

*This bill would exclude nonprofit animal rescue or adoption centers from inspection.*

*(3) Existing law requires the board to establish a regular inspection program that will provide for random, unannounced inspections.*

*This bill would require the board to make every effort to inspect at least 20% of veterinary premises on an annual basis.*

*(4) Existing law requires the board to establish an advisory committee, the Veterinary Medicine Multidisciplinary Advisory Committee, to assist, advise, and make recommendations for the implementation of rules and regulations necessary to ensure proper administration and enforcement of specified provisions and to assist the board in its examination, licensure, and registration programs. Existing law requires that members of the multidisciplinary committee to be appointed by the board from lists of nominees solicited by the board. Existing law requires the committee to consist of 7 members, with 4 licensed veterinarians, 2 registered veterinary technicians, and one public member.*

*This bill would expand the committee to 9 members, to include a veterinarian member of the board and the registered veterinarian technician of the board, both of whom would serve concurrently with their term of office. The bill would make other technical and conforming changes.*

*(5) Existing law permits a registered veterinary technician or a veterinary assistant to administer a drug, including, but not limited to, a drug that is a controlled substance, under the direct or indirect supervision of a licensed veterinarian when done pursuant to the order, control, and full professional responsibility of a licensed veterinarian. Existing law limits access to controlled substances by veterinary assistants to persons who have undergone a background check and who, to the best of the licensee manager's knowledge, do not have any drug or alcohol related felony convictions. Existing law repeals these provisions on January 1, 2015.*

*This bill would make these provisions operative indefinitely and limit access to controlled substances by veterinary assistants to person who have obtained a valid permit from the board. The bill would, as part of the application for a permit, require the board to require an applicant to furnish a set of fingerprints for purposes of conducting a criminal history record check. The bill would make the permit requirement contingent on the board receiving sufficient staffing and a fee to cover its costs to implement the permit program.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4800 of the Business and Professions  
2 Code is amended to read:

3 4800. (a) There is in the Department of Consumer Affairs a  
4 Veterinary Medical Board in which the administration of this  
5 chapter is vested. The board consists of the following members:

- 6 (1) Four licensed veterinarians.  
7 (2) One registered veterinary technician.  
8 (3) Three public members.

9 (b) This section shall remain in effect only until January 1,  
10 ~~2018~~, 2016, and as of that date is repealed, unless a later enacted  
11 statute, that is enacted before January 1, ~~2018~~, 2016, deletes or  
12 extends that date.

13 (c) Notwithstanding any other law, the repeal of this section  
14 renders the board subject to review by the appropriate policy  
15 committees of the Legislature.

16 SEC. 2. Section 4804.5 of the Business and Professions Code  
17 is amended to read:

18 4804.5. The board may appoint a person exempt from civil  
19 service who shall be designated as an executive officer and who  
20 shall exercise the powers and perform the duties delegated by the  
21 board and vested in him or her by this chapter.

22 This section shall remain in effect only until January 1, ~~2018~~,  
23 2016, and as of that date is repealed, unless a later enacted statute,  
24 that is enacted before January 1, ~~2018~~, 2016, deletes or extends  
25 that date.

26 SEC. 3. Section 4809.5 of the Business and Professions Code  
27 is amended to read:

28 4809.5. The board may at any time inspect the premises in  
29 which veterinary medicine, veterinary dentistry, or veterinary  
30 surgery is being practiced. *Veterinary premises to be inspected by*  
31 *the board do not include nonprofit animal rescue or adoption*  
32 *centers.*

33 SEC. 4. Section 4809.7 of the Business and Professions Code  
34 is amended to read:

1 4809.7. The board shall establish a regular inspection program  
2 ~~which that~~ will provide for random, unannounced inspections. *The*  
3 *board shall make every effort to inspect at least 20 percent of*  
4 *veterinary premises on an annual basis.*

5 SEC. 5. Section 4809.8 of the Business and Professions Code  
6 is amended to read:

7 4809.8. (a) The board shall establish an advisory committee  
8 to assist, advise, and make recommendations for the  
9 implementation of rules and regulations necessary to ensure proper  
10 administration and enforcement of this chapter and to assist the  
11 board in its examination, licensure, and registration programs. This  
12 committee shall be known as the Veterinary Medicine  
13 Multidisciplinary Advisory Committee.—~~Members~~ *The*  
14 *multidisciplinary committee shall consist of nine members. The*  
15 *following members* of the multidisciplinary committee shall be  
16 appointed by the board from lists of nominees solicited by the  
17 board. ~~The committee shall consist of the following seven~~  
18 ~~members:~~ *board:* four licensed veterinarians, two registered  
19 veterinary technicians, and one public member. *The committee*  
20 *shall also include a veterinarian member of the board and the*  
21 *registered veterinarian technician of the board.* Members of the  
22 multidisciplinary committee shall represent a sufficient cross  
23 section of the interests in veterinary medicine in order to address  
24 the issues before it, as determined by the board, including  
25 veterinarians, registered veterinary technicians, and members of  
26 the public.

27 (b) Multidisciplinary committee members *appointed by the*  
28 *board shall hold office serve* for a term of three years and  
29 appointments shall be staggered accordingly. A member may be  
30 reappointed, but no person shall serve as a member of the  
31 committee for more than two consecutive terms. Vacancies  
32 occurring shall be filled by appointment for the unexpired term,  
33 within 90 days after they occur. *Board members of the*  
34 *multidisciplinary committee shall serve concurrently with their*  
35 *term of office.*

36 (c) The multidisciplinary committee shall be subject to the  
37 requirements of Article 9 (commencing with Section 11120) of  
38 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government  
39 Code.

1 (d) Multidisciplinary committee members shall receive a per  
2 diem as provided in Section 103 and shall be compensated for their  
3 actual travel expenses in accordance with the rules and regulations  
4 adopted by the Department of Human Resources.

5 (e) The board may remove a member of the multidisciplinary  
6 committee *appointed by the board* for continued neglect of a duty  
7 required by this chapter, for incompetency, or for unprofessional  
8 conduct.

9 (f) *It is the intent of the Legislature that the multidisciplinary*  
10 *committee, in implementing this section, give specific consideration*  
11 *to issues pertaining to the practice of registered veterinarian*  
12 *technicians.*

13 SEC. 6. *Section 4836.1 of the Business and Professions Code*  
14 *is amended to read:*

15 4836.1. (a) Notwithstanding any other provision of law, a  
16 registered veterinary technician or a veterinary assistant may  
17 administer a drug, including, but not limited to, a drug that is a  
18 controlled substance, under the direct or indirect supervision of a  
19 licensed veterinarian when done pursuant to the order, control,  
20 and full professional responsibility of a licensed veterinarian.  
21 However, no person, other than a licensed veterinarian, may induce  
22 anesthesia unless authorized by regulation of the board.

23 (b) Access to controlled substances by veterinary assistants  
24 under this section is limited to persons who ~~have undergone a~~  
25 ~~background check and who, to the best of the licensee manager's~~  
26 ~~knowledge, do not have any drug or alcohol-related felony~~  
27 ~~convictions.~~ *obtained a valid permit from the board.*

28 (c) *As part of the application for a permit, the board shall*  
29 *require an applicant to furnish a set of fingerprints for purposes*  
30 *of conducting a criminal history record check. Fingerprints*  
31 *furnished pursuant to this subdivision shall be submitted in an*  
32 *electronic format if readily available. The board shall use the*  
33 *fingerprints furnished by the applicant to obtain criminal history*  
34 *information on the applicant from the Department of Justice and*  
35 *the United States Federal Bureau of Investigation, and the board*  
36 *shall obtain any subsequent arrest information that is available.*

37 (e)

38 (d) Notwithstanding subdivision (b), if the Veterinary Medical  
39 Board, in consultation with the Board of Pharmacy, identifies a  
40 dangerous drug, as defined in Section 4022, as a drug ~~which that~~

1 has an established pattern of being diverted, the Veterinary Medical  
2 Board may restrict access to that drug by veterinary assistants.

3 ~~(d)~~

4 (e) For purposes of this section, the following definitions apply:

5 (1) “Controlled substance” has the same meaning as that term  
6 is defined in Section 11007 of the Health and Safety Code.

7 (2) “Direct supervision” has the same meaning as that term is  
8 defined in subdivision (e) of Section 2034 of Title 16 of the  
9 California Code of Regulations.

10 (3) “Drug” has the same meaning as that term is defined in  
11 Section 11014 of the Health and Safety Code.

12 (4) “Indirect supervision” has the same meaning as that term is  
13 defined in subdivision (f) of Section 2034 of Title 16 of the  
14 California Code of Regulations.

15 ~~(e) This section shall remain in effect only until January 1, 2015,~~  
16 ~~and as of that date is repealed, unless a later enacted statute, that~~  
17 ~~is enacted before January 1, 2015, deletes or extends that date.~~

18 (f) *The requirement for a permit is contingent on the board*  
19 *receiving sufficient staffing and a fee to cover its costs to implement*  
20 *subdivision (c).*

21 (g) *This section shall become operative January 1, 2015.*